

IV. Remarks

The specification was amended to conform it to Fig. 1 of the drawings. Page 16, line 6 states and Fig. 1 shows that the top of the plug is at the flange 70. Lines 11 and 12 state, and Fig. 1 shows that the exterior diameter of the prop 78 decreases from its top, at plug 66, to its bottom (base) remote from plug 66. Therefore 80 which is opposite the plug's top flange 70 is the base of plug 66.

Claim 2 was allowed and claim 3 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Surjaatnadya (U.S. Patent 5,226,445) in view of Baranowoki, Jr. (U.S. Patent No. 3,698,427). In order to obtain an early Notice of Allowance on claim 2, applicant has cancelled claim 3. Applicant does not agree that claim 3 is unpatentable and is therefore intending to file a continuation or continuation-in-part thereon.

Applicant has added new claims 4-17 which are all dependent upon claim 2 to set forth other valuable features of their valve guide. No new matter is presented by these claims and they find their support in Figs 1 and 2 and page 6 lines 4-20 of the specification. These dependent claims are in allowable condition and therefore an early Notice of Allowance for claims 2 and 4-17 is requested.

When National Oil Well was informed of our U.S. Patent 6,698,450, they alleged said, through their attorney, that they were aware of a 35 U.S.C. 102 prior sale by Chaparral Machine & Mfg., Inc.. Gardner Denver purchased Chaparral subsequent to the filing of U.S. Application 10/115,017 (the parent of this application). Applicant's attorney has contacted the inventor, Berton L. Vicars and the attorney who filed the application for U.S. Patent 6,698,450. Also, Gardner Denver has contacted the present Director of Engineering for that division. Everyone has stated that they are not aware of any statutory prior sale, as is defined in 35 U.S.C. 102. Applicant's attorney has requested National Oil Well's attorney to send any proof that they have to backup their allegation of a prior sale prior to April 5, 2001.

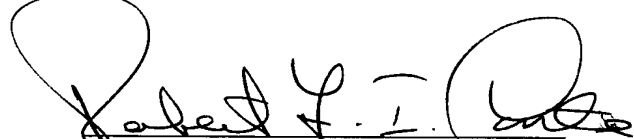
Applicant's attorney has not received any such proof from National Oil Well's attorney to back up their 35 U.S.C. 102 prior sale allegation.

Applicant is submitting prior art form PTO 1449 to cite Canadian Patent 1,113,346 and the documents Applicant has regarding the testing of the pump of this invention and which were sold for testing purposes.

It is respectfully submitted that the application is in condition for allowance and an early Notice of Allowance is requested.

Dated: August 16, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert F. I. Conte", is written over a horizontal line.

Robert F. I. Conte, Reg. No. 20,354
BARNES & THORNBURG LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 357-1313